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WRITER'S DIRECT

December 16, 1997

Magalie Salas, Esquire
Secretary
Federal Communications Commission
Room 222
1919 M Street, NW
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: MM Docket No. 87-268

Dear Ms. Salas:

Transmitted herewith, on behalf of Central Virginia Educational Telecommunications Corp., licensee of noncommercial educational station WNVC(TV), Fairfax, Virginia, are an original and four copies of its "Comments on MSTV Alternate Channel Allotment Plan" in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.



Anne Goodwin Crump
Counsel for Central Virginia Educational
Telecommunications Corp.

Enclosures

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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

RECEIVED
DEC 16 1997
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Advanced Television Systems and) MM Docket No. 87-2681
Their Impact Upon the Existing)
Television Broadcast Service)

Directed to: The Commission .

COMMENTS ON MSTV ALTERNATE CHANNEL ALLOTMENT PLAN

Central Virginia Educational Telecommunications Corp. ("CVETC"), licensee of noncommercial educational station WNVC(TV), Fairfax, Virginia, by its attorneys and in accordance with the Commission's Public Notice, released December 2, 1997, hereby respectfully submits its Comments on the *ex parte* filing of the Association for Maximum Service Television, Inc. ("MSTV"), submitted in the above-captioned proceeding on November 20, 1997. With respect thereto, the following is submitted:

1. The MSTV DTV plan proposes to make 357 changes to the Table of Allotments for digital television ("DTV") as set forth in the Commission's Sixth Report and Order in MM Docket 87-268, FCC 97-115, released April 21, 1997. MSTV asserts in its *ex parte* filing that the many changes it proposes would reduce interference to both analog and DTV service in congested areas of the United States and would eliminate a number of cases of DTV-to-DTV short-spacing of adjacent channels. While attempting to solve some problems, however, MSTV's proposed changes would create new problems for other facilities. Accordingly,

MSTV's proposed changes should not be adopted without further scrutiny of how particular markets will be affected.

2. CVETC has examined in particular the impacts of MSTV's proposals on the greater Washington, D.C.-Baltimore area. As set forth in the attached Engineering Statement, the MSTV plan would create adjacent channel interference problems for WBAL-TV, Baltimore, and for land mobile service in Washington, D.C, and would also preclude early recovery of spectrum for public safety use. Thus, MSTV's proposed changes would not provide a workable solution for the greater Washington, D.C. area.

3. CVETC offers herein its own alternate plan for DTV allotments in the Washington, D.C.-Baltimore area. CVETC has attempted to retain as many as possible of the DTV allotments set forth in the Commission's Sixth Report and Order, together with the substitutions proposed for WNVC(TV) and WVVI(TV) in the "Supplement to Petition for Reconsideration" filed by CVETC on August 22, 1997. The plan proposed by CVETC would eliminate the adjacent channel difficulties of MSTV's plan and would allow for early recovery of spectrum for public safety use. Additionally, the modest changes to the Table of Allotments proposed in the Sixth Report and Order would ease other interference problems and would provide two television stations, including one public television station, with DTV channels within the core spectrum. Therefore, as set forth further in CVETC's "Supplement to Petition for Reconsideration," the changes proposed would have significant public interest benefits.

WHEREFORE, the premises considered, CVETC respectfully requests MSTV's plan for the Washington, D.C.-Baltimore area as set forth in its *ex parte* filing be rejected and that the alternate plan for the DTV Table of Allotments attached hereto be adopted.

Respectfully submitted,

CENTRAL VIRGINIA EDUCATIONAL
TELECOMMUNICATIONS CORPORATION

By:

A handwritten signature in cursive script, appearing to read "Anne Goodwin Crump".

Harry C. Martin

Anne Goodwin Crump

Its Attorneys

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December 16, 1997

ENGINEERING STATEMENT
ON BEHALF OF
CENTRAL VIRGINIA EDUCATIONAL
TELECOMMUNICATIONS CORPORATION
FOR WNVC AND WNVV
RE RESPONSE TO EX PARTE FILING BY
MSTV IN MM DOCKET NO. 87-268

DECEMBER 1997

COHEN, DIPPELL AND EVERIST, P.C.
CONSULTING ENGINEERS
RADIO AND TELEVISION
WASHINGTON, D.C.

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington)
) ss
District of Columbia)

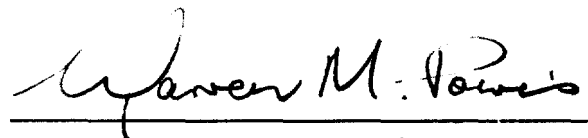
Warren M. Powis, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer of the University of Canterbury, New Zealand, a Registered Professional Engineer in the District of Columbia, the State of Virginia, the State of South Carolina, and Vice President of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005; previously employed for 15 years with the New Zealand Broadcasting Corporation; a member of the Institution of Professional Engineers New Zealand (IPENZ), the Association of Federal Communications Consulting Engineers (AFCCE), and the National Society of Professional Engineers (NSPE).

That his qualifications are a matter of record in the Federal Communications Commission;

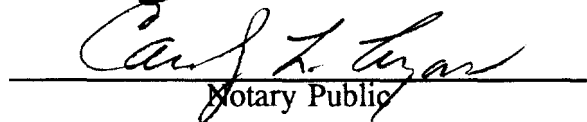
That the attached engineering report was prepared by him or under his supervision and direction and,

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.



Warren M. Powis
District of Columbia
Professional Engineer
Registration No. 8339

Subscribed and sworn to before me this 12th day of December, 1997.


Notary Public

My Commission Expires: 2/28/98

This engineering statement has been prepared on behalf of Central Virginia Educational Telecommunications Corporation ("CVETC"), licensee of non-commercial educational television stations WNVTV, Channel 53, Goldvein, Virginia and WNVC, Channel 56, Fairfax, Virginia, concerning the ex parte submission filed by the Association for Maximum Service Television, Inc. ("MSTV").

CVETC has reviewed the MSTV filing and urges the Commission not to adopt the MSTV ex parte filing, as it relates the greater Washington, D.C. area. Attached as Table I is a listing of existing NTSC channels in use in the greater Washington, D.C. area in relation to the DTV channel assigned by the Commission in the Sixth Report and Order in MM Docket 87-268 ("Sixth Report"), the MSTV ex parte DTV channelling plan, and CVETC's suggested alternative to the MSTV ex parte plan.

MSTV Ex Parte Plan

CVETC's review of the MSTV DTV plan finds the following problems.

1. The MSTV Channel 10 DTV allotment for WUSA, Channel 9, Washington, D.C. is first-adjacent to WBAL-TV, Channel 11, Baltimore, Maryland, which is located 56.5 km from WUSA. First-adjacent channel DTV to NTSC interference is approximately 32 dB more serious than first-adjacent channel DTV to DTV interference based upon available transmitter test data.

2. The MSTV Channel 19 DTV allotment for WDCA, Channel 20, Washington, D.C. is first-adjacent to the Channel 18, Washington, D.C. land-mobile channel. Channel 18 requires protection in accordance with Section 73.623(e) of the FCC Rules and Regulations, adopted in MM Docket 87-268 (Sixth Report).
3. The MSTV Channel 69 allotment for WNUV-TV, Channel 54, Baltimore, Maryland, is first-adjacent to the land-mobile spectrum above 806 MHz. In addition, the use of Channel 69 will preclude early recovery of Channel 69 spectrum for public safety use. Refer to Docket No. ET 97-157 concerning the designation of Channels 63,64 and 68,69 for public safety use.
4. The MSTV Channel 65 allotment for WHSW-TV, Channel 24, Baltimore, Maryland, precludes early recovery of Channel 64 for public safety use.
5. The MSTV Channel 63 allotment for WFPT, Channel 62, Frederick, Maryland, also precludes early recovery of Channel 64 for public safety use.

CVETC Alternate Plan

CVETC has reviewed the allocation situation in the greater Washington, D.C. area and suggests the alternate plan contained in the attached Table I. CVETC has attempted to include as many DTV allotments as possible that were contained in the Sixth Report. In addition, the channels requested by CVETC for WNVC and WVVI in its August 1997 filing are included. Both the FCC Table of Allotments in the Sixth Report and CVETC's alternate plan remove first-adjacent channel incompatibility between DTV Channel 19 and land-mobile Channel 18 in Washington, D.C., incompatibility to land-mobile operations above 806 MHz, and removes the serious VHF Channel 10 DTV/Channel 11 NTSC incompatibility. In addition, both FCC and CVETC plans permit early recovery of Channels 64 and 69 for public safety use, as proposed in the Commission's Docket No. ET 97-157.

Summary

CVETC urges the Commission not to adopt the MSTV ex parte plan as it relates to the greater Washington, D.C. area. CVETC hereby offers its alternate plan to minimize first-adjacent channel (DTV/NTSC and DTV/DTV) problems. Alternatively, CVETC recommends that the Commission fully adopt its table as contained in the Sixth Report and Order in MM Docket No. 87-268 and that consideration be given to CVETC's August 1997 filing which requested substitution of DTV Channel 36 for DTV Channel 57 at Fairfax, Virginia, and substitution of Channel 43 for Channel 46 at Manassas, Virginia.

TABLE I
EXISTING NTSC CHANNELS IN USE IN THE
GREATER WASHINGTON, DC AREA
IN RELATION TO VARIOUS DTV CHANNELLING OPTIONS
DECEMBER 1997

<u>CITY / STATE</u>	<u>NTSC</u>	<u>DTV CHANNELLING PLANS</u>			
		<u>FCC</u>	<u>MSTV</u>	<u>CVETC Alternative To MSTV Plan</u>	
Annapolis, MD	22	42	48	42	(FCC)
Baltimore, MD	2	52	39	52	(FCC)
Baltimore, MD	11	59	38	59	(FCC)
Baltimore, MD	13	38	41	38	(FCC)
Baltimore, MD	24	41	65	44	(MSTV-Mod)
Baltimore, MD	45	46	44	46	(FCC)
Baltimore, MD	54	40	69	12	(At Ch 11/13 site)
Baltimore, MD	67	29	36	29	(FCC)
Frederick, MD	62	28	63	28	(FCC)
Washington, DC	4	48	30	48	(FCC)
Washington, DC	5	6	59	6	(FCC)
Washington, DC	7	39	34	39	(FCC)
Washington, DC	9	34	10	34	(FCC)
Washington, DC	20	35	19	35	(FCC)
Washington, DC	26	27	27	40	(Ex Baltimore)
Washington, DC	32	33	33	33	(FCC)
Washington, DC	50	51	51	51	(FCC)
Arlington, VA	14	15	15	15	(FCC)
Fairfax, VA	56	57 (36)*	57	36	(CVETC filing)
Goldvein, VA	53	30	43	30	(FCC)
Manassas, VA	66	36 (43)*	46	43	(CVETC filing)

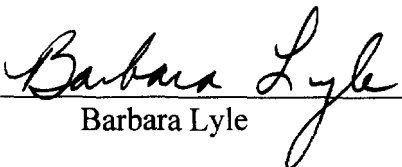
* In August 1997, CVETC requested a change in the WNVC DTV allotment from Channel 57 to Channel 36 with an associated change in the WVVI DTV allotment from Channel 36 to Channel 43

CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a copy of the foregoing "Comments on MSTV Alternate Channel Allotment Plan" was sent this 16th day of December, 1997, by first-class United States mail, postage prepaid to:

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Barbara Lyle